

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES M. DAVIS,)	
)	Civil Action No. 2: 13-cv-1223
Plaintiff,)	
)	United States Senior District Judge
v.)	Terrence F. McVerry
)	
MAGISTRATE JUDGE)	United States Magistrate Judge
CAROLYN S. BENGEL,)	Cynthia Reed Eddy
)	
)	
Defendant.)	

MEMORANDUM ORDER

On August 26, 2013, the above captioned case was initiated by the filing of a Motion for Leave to Proceed in forma pauperis (ECF No. 1) and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On September 23, 2013, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 4) recommending that Plaintiff be granted leave to proceed in forma pauperis; however, it was also recommended that the Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2) as the claims raised in the complaint are barred by the doctrine of judicial immunity. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until October 10, 2013, to file written objections to the Report and Recommendation. To date, no “objections” have been filed; rather on October 3, 2013, Plaintiff filed a document entitled “Amended Complaint,” which in actuality are objections to the Report and Recommendation as Plaintiff contends that judicial immunity is not absolute and that “federal tort law judges cannot invoke judicial immunity for acts that violate litigant civil rights.”

Amended Complaint (ECF No. 5). The Court finds that Plaintiff's "Amended Complaint" / objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the "Amended Complaint," the following order is entered:

AND NOW, this 18th day of October, 2013:

IT IS HEREBY ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED** for the purpose of filing the underlying complaint; and

2. This action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 4) dated September 23, 2013, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Terrence F. McVerry
Terrence F. McVerry
Senior United States District Judge

cc: JAMES M. DAVIS
887 First Ave. #603
Brackenridge, PA 15014